



# City of Marietta

## Meeting Summary

### CITY COUNCIL

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

**William B. Dunaway, Mayor**  
**Annette Paige Lewis, Ward 1**  
**Griffin "Grif" L. Chalfant, Jr., Ward 2**  
**Holly Marie Walquist, Ward 3**  
**Irvan A. "Van" Pearlberg, Ward 4**  
**Rev. Anthony C. Coleman, Ward 5**  
**James W. King, Ward 6**  
**Philip M. Goldstein, Ward 7**

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**Wednesday, July 08, 2009**

**7:00 PM**

**Council Chamber**

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20090717

#### **Parks and Recreation Month**

Presentation of a Proclamation to Rich Buss, designating July as "Parks and Recreation Month."

***Presented***

20090708

#### **Regular Meeting - June 10, 2009**

Review and approval of the June 10, 2009 regular meeting minutes.

***Approved and Finalized***

20090600

#### **Z2009-11 Judson C. Thompson 553 East New Salem Commons**

Z2009-11 [REZONING] JUDSON C. THOMPSON request rezoning for property located in Land Lot 02880, District 20, Parcels 21 and 34, 2nd Section, Marietta, Cobb County, Georgia and being known as 553 East New Salem Commons from R-20 [Single Family Residential (Cobb County)] to R-1 [Single Family Residential (City)]. Ward 4.

***Approved as Stipulated***

*The following stipulations are incorporated as a condition of zoning:*

*·That the driveway from East New Salem Commons shall be paved.*

*·The spillway shall initially be constructed using asphalt millings; however, shall be paved prior to the issuance of the Certificate of Occupancy. Additionally, the grade to the spillway shall be flattened out to be accessible by normal vehicles.*

20090601

#### **A2009-02 Judson C. Thompson 553 East New Salem Commons**

A2009-02 [ANNEXATION] JUDSON C. THOMPSON request annexation for property located in Land Lot 02880, District 20, Parcels 21 and 34 and being known as 553 East New Salem Commons, 2nd Section, Cobb County, Georgia consisting of 1.98 acres. Ward 4.

***Approved and Finalized***

**20090602 CA2009-04 Judson C. Thompson 553 New Salem Commons**

CA2009-04 [CODE AMENDMENT] JUDSON C. THOMPSON in conjunction with the requested annexation of property located in Land Lot 02880, District 20, Parcels 21 and 34, 2nd Section, Marietta, Cobb County, Georgia, and being known as 553 East New Salem Commons, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4.

***Approved and Finalized***

**20090603 Z2009-12 City of Marietta (for Vickley L. Raeford) 1388 Canton Highway**

Z2009-12 [REZONING] CITY OF MARIETTA (FOR VICKLEY RAEFORD) request rezoning for property located in Land Lot 08740, District 16, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 1388 Canton Highway from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. Ward 6.

***Approved and Finalized***

**20090604 A2009-03 City of Marietta (for Vickley L. Raeford) 1388 Canton Highway**

An annexation for property located in Land Lot 08740, District 16, Parcel 0290 and being known as a portion of 1388 Canton Highway, 2nd Section, Cobb County, Georgia consisting of 0.08 acres. Ward 6.

***Approved and Finalized***

**20090605 CA2009-05 City of Marietta (for Vickley Raeford) 1388 Canton Highway**

CA2009-05 [CODE AMENDMENT] CITY OF MARIETTA (FOR VICKLEY RAEFORD) in conjunction with the requested annexation of property located in Land Lot 08740, District 16, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of 1388 Canton Highway, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 6.

***Approved and Finalized***

**20090606 Z2009-13 MRW Properties, LLC 313 Marble Mill Road**

Z2009-13 [SPECIAL LAND USE PERMIT] MRW PROPERTIES, LLC request Special Land Use Permit (to operate a plastic recycling facility) for property located in Land Lot 1005, District 16, Parcel 28, 2nd Section, Marietta, Cobb County, Georgia and being known as 313 Marble Mill Road and being zoned HI (Heavy Industrial). Ward 5.

***Approved as Stipulated***

*The following stipulations are incorporated as a condition of zoning:*

*The letter dated July 8, 2009 and the attached Land Use Permit Application to Rusty Roth, Zoning Manager from Mary Lanning, Director of Landscape Architecture for Civil Engineering Land Surveying.*

- The property shall be used for the storage and recycling of plastics only. The plastics shall be clean and free of any food particles.
- The layout of the facility shall be site plan specific.
- All materials not located inside the building or truck trailers shall be located in the sorting bins for a period of no more than two weeks at any given time.
- The sorting bins and truck trailers shall be covered and/or enclosed as to not hold water. The sorting bins cover shall also be constructed in a way as to not hold water.
- All activity other than the following shall occur inside the building with the doors closed: 1) weighing of the materials on the proposed scale as shown on the site plan, 2) sorting of the materials in the sorting location, 3) movement of the materials from the sorting location to the building, 4) movement of the materials from the building to the trailers, 5) removal of the trailers.
- The hours of operation and all activity, including deliveries, shall be from 8 am to 6 pm, Monday - Saturday.
- There shall be no activity on the rear of the property from the property line to 150 feet inward.
- The applicant shall plant an additional row of 2 inch caliper trees on the rear of the property.
- The applicant shall treat the property for mosquitoes as needed.
- Variance granted to allow the existing "crush and run" pervious surface to remain in place.
- Variance granted to allow parking on the existing "crush and run" pervious surface.

20090672

**Code Enforcement - 97 Rigby Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 97 Rigby Street.

Listed Owner: Louise Burke & Heirs at Large, c/o Hattie Scott

Repeat Violation History: ( 4 ) previous cases since 2000

Certified mail receipt received 06-03-09; signed by William Scott.

Taxes paid: Unpaid, in the amount of \$231.67.

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

***Approved and Finalized***

20090673

**Code Enforcement - 351 McArthur Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 351 McArthur Drive.

Listed Owner: Timothy Neal Weddington

Repeat Violation History: ( 3 ) previous cases since July, 2008.

Certified mail receipt not received as of 06/29/09; NOTE: refused previous letter in previous case.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

***Approved and Finalized***

20090674

**Code Enforcement - 353 McArthur Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 353 McArthur Drive.

Listed Owner: Timothy Neal Weddington

Repeat Violation History: ( 3 ) previous cases since July, 2008

Certified mail receipt not received as of 06/29/09; NOTE: previous case letter refused.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090679      **Code Enforcement - 1725 Crestridge Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1725 Crestridge Drive.

Listed Owner: Rhodes John W Jr. & Kathleen

Repeat Violation History: ( 18 ) previous cases since 08/11/98

Certified mail receipt not received as of 06/26/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090682      **Code Enforcement - 113 Lacy Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 113 Lacy Street.

Listed Owner: Roselane Professional Group LLC

Repeat Violation History: ( 2 ) previous cases since 06/25/08.

Certified mail receipt not received as of 06/26/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090684      **Code Enforcement - 521 Little Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 521 Little Street.

Listed Owner: Enrique Z. Santiago

Repeat Violation History: None

Certified mail receipt not received as of 06/26/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090685

**Code Enforcement - 1261 William Robert Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1261 William Robert Drive.

Listed Owner: Ramon & Maria Mandujano

Repeat Violation History: ( 1 ) previous case since 04/30/09

Certified mail receipt not received as of 06/26/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090686

**Code Enforcement - 1663 Barrington Overlook**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1663 Barrington Overlook.

Listed Owner: Taesha McLean

Repeat Violation History: ( 1 ) previous case since 2008.

Certified mail receipt not received as of 06/26/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090688

**Code Enforcement - 536 Alpine Way**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 536 Alpine Way.

Listed Owner: Sandra Callahan

Repeat Violation History: ( 2 ) previous cases since 1999.

Certified mail receipt received 06/08/09; NOT signed by owner.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090689

**Code Enforcement - 600 Tom Read Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 600 Tom Read Drive.

Listed Owner: Webb Jason D

Repeat Violation History: ( 6 ) cases since September, 2007.

Certified mail receipt not received as of 06/26/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090693

**Code Enforcement - 1204 Scripps Court**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1204 Scripps Court.

Listed Owner: Alexis A. Mills

Repeat Violation History: ( 1 ) previous case since 06/12/99.

Certified mail receipt received 06/17/09; not signed by Officer of First Horizon Home Loans.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090694

**Code Enforcement - 436 Powder Springs Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 436 Powder Springs Street.

Listed Owner: JWH Marietta LLC

Repeat Violation History: ( 3 ) previous cases since 11/20/07

Certified mail receipt not received as of 06/26/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*Approved and Finalized*

20090697

**Code Enforcement - 1176 Roswell Road**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1176 Roswell Road.

Listed Owner: Suntrust Bank

Repeat Violation History: None

Certified mail receipt received 06/04/09; not signed by Officer or Registered Agent.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*Approved and Finalized*

20090699

**Code Enforcement - 365 Pleasant Oak Court**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 365 Pleasant Oak Court.

Listed Owner: Cuacuil Esther

Repeat Violation History: ( 1 ) previous case since 11/27/07.

Certified mail receipt received 06/19/09; signature not legible.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

*Approved and Finalized*

20090701

**Code Enforcement - 1725 Spinks Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1725 Spinks Drive.

Listed Owner: Nabil Michael Mansour/Awatef T Mansour

Repeat Violation History: ( 2 ) previous cases since 12/04.

Certified mail receipt not received as of 06/26/09.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Approved and Finalized*

20090626

**Opportunity Zones**

Approval of a Resolution of the Mayor and Council for the City of Marietta; to adopt an Urban Redevelopment Plan for three slum, blighted or underdeveloped areas within the City of Marietta, Georgia pursuant to the provisions of the Urban Development Law, O.C.G.A. Section 36-61-8; to approve an application for an opportunity zone for the area encompassed by such redevelopment plan pursuant to O.C.G.A. Section 48-7-40.1; to promote the public health, safety and welfare, and for other purposes.

*Approved and Finalized*

20090636

**CDBG Sub-Recipient Agreement**

Approval of a Resolution authorizing the execution of the FFY'09 CDBG Sub-Recipient Agreement with Cobb County.

*Approved and Finalized*

20090637

**FFY'10 CDBG Project List**

Approval of a Resolution authorizing the submittal of the city's FFY 2010 CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and further, approving any additional CDBG FFY 2010 funds the city may receive from actions by Congress be allocated to neighborhood redevelopment/housing rehabilitation or as eligible per council direction for Public Service projects.

*Approved and Finalized*

20090652

**Housing Choice Voucher Program (HCV)**

Approval of a Resolution authorizing acceptance of the FY2009 Housing Choice Voucher Annual Plan.

*Approved and Finalized*

20090620

**Revised Detailed Plan for North Metro Church**



Motion to approve the revised Detailed Plan for North Metro Church to allow for a new parking lot exit, with gate, onto Barrett Parkway and being located in District 20, Land Lot 0281, Parcels 4 and 33. Approval is subject to the final approval of Cobb County Department of Transportation allowing for the additional curb cut onto Barrett Parkway. Restriction as to use of access are as follows:

- 1) The access shall be gated
- 2) The gates shall remain closed at all times, especially from 7:00 a.m. to 9:30 a.m. and 4:00 p.m. to 7:00 p.m., Monday through Friday; Excepting only, that the gates may remain open and access is permitted for Church events such as Sunday worship services, Wednesday worship services, and other like events occurring at the Church.

***Approved as Stipulated***

*Motion to approve with the following stipulations:*

- 1) *The access shall be gated*
- 2) *The gates shall remain closed at all times, especially from 7:00 a.m. to 9:30 a.m. and 4:00 p.m. to 7:00 p.m., Monday through Friday; Excepting only, that the gates may remain open and access is permitted for Church events such as Sunday worship services, Wednesday worship services, and other like events occurring at the Church.*

20090651      **Advertisement of Proposed Precinct Boundary Changes**

Motion authorizing advertisement of the proposed precinct boundary changes for Wards 2, 4 & 6 requested by the Cobb County Board of Elections.

***Approved and Finalized***

20090625      **Alcohol Sales and Consumption during Art in the Park Festival**

Motion approving the request from the Marietta Business Association to approve the sale and consumption of beer and wine adjacent to Glover Park in accordance with ordinance 10-4-070 C. and E. during the Art in the Park Festival show hours on September 5-7, 2009.

***Approved and Finalized***

*Council member Goldstein disclosed that he is a member of the Marietta Business Association.*

20090634      **Farmer's Market**

Motion authorizing street closures for the Farmer's Market for the purposes of extending the season to Saturday, December 26.

***Approved and Finalized***

20090630      **2005 SPLOST Re-allocation**

Motion authorizing a 2005 SPLOST project budget reallocation transferring \$1,846,307 funding from project number 280-2033-535-7930-A1, Powder Springs to South Cobb Connector to project number 280-2033-535-7957-P2, Powder Springs Streetscapes as shown on the attached table as requested by Council member Grif Chalfant.

***Approved and Finalized***

- 20090710      **South Marietta Parkway/Powder Springs St. and Whitlock Ave. 2005 SPLOST Improvements**  
Motion approving a concept drawing for 2005 SPLOST improvements along South Marietta Parkway between Powder Springs Street and Whitlock Avenue as shown on map on file with the Public Works Department labeled "Approved July 8, 2009."

*Approved and Finalized*

- 20090711      **South Marietta Parkway between Whitlock Ave. and Polk Street 2005 SPLOST Improvements**  
Motion approving a concept drawing for 2005 SPLOST improvements along South Marietta Parkway between Whitlock Avenue and Polk Street as shown on map on file with the Public Works Department labeled "Approved July 8, 2009."

*Approved and Finalized*

- 20090712      **South Marietta Parkway between Polk St. and Kennesaw Ave. 2005 SPLOST Improvements**  
Motion approving a concept drawing for 2005 SPLOST improvements along South Marietta Parkway between Polk Street and the Kennesaw Avenue Overpass as shown on map on file with the Public Works Department labeled "Approved July 8, 2009."

*Approved and Finalized*

- 20090632      **Theatre in the Square**  
Motion approving a request by Theatre in the Square to encroach on city right-of-way to support three (3) columns to support a new building facade and marquee (each column shall encroach into the sidewalk by 18" and shall have footings underneath the sidewalk which shall encroach 24". Approval is also granted for an existing encroachment at the location of the box office of 24". This approval is conditioned upon the receipt of Indemnity Agreements approved by the City Manager and City Attorney. This item was requested to go on the agenda by Mayor Bill Dunaway.

*Approved as Stipulated*

- 20090666      **Department of Justice Grant**  
Budget Amendment for Stimulus Grant from the United States Department of Justice in the amount of \$230,918.00.

*Approved and Finalized*

- 20090698      **Marietta Redevelopment Corporation Officers**

Request for approval of appointments for Ron Francis as Chairman and Terry Lee as Vice Chairman of the Marietta Redevelopment Corporation, as recommended by the Board.

*Approved and Finalized*

20090705

**Smoking in Glover Park**

Approval of an Ordinance adding Section 10-4-210 of the code of Marietta, Georgia, "Smoking Prohibited". Section 1: Section 10-4-210 shall read as follows:  
It shall be unlawful for any person to inhale, exhale, burn, or carry any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or form in Glover Park.

*Approved and Finalized*

20090726

**Personnel Rules and Regulations - Smoking Policy**

Approval of an Ordinance amending City Code Sections 4-4-36-030 so as to update the Smoking Policy in the Personnel Rules and Regulations.

*Approved and Finalized*

20090468

**V2009-13 Saima Ahmed 68 Black Street**

V2009-13 [VARIANCE] SAIMA AHMED request a variance for property located in Land Lot 12150, 16th District, Parcel 0690, 2nd Section of Cobb County, Marietta, Georgia and being known as 68 Black Street. Variance to allow impervious surface encroachment within a required planted border area. Ward 5.

*Approved and Finalized*

20090616

**V2009-14 Steven R. Smith, CB Richard Ellis, 1860 Cobb Parkway South**

V2009-14 [VARIANCE] STEVEN R. SMITH, CB RICHARD ELLIS (FOR VOLKSWAGEN GROUP OF AMERICA) request variance for property located in Land Lot 710, District 17, Parcel 040, 2nd Section of Cobb County, Marietta, Georgia and being known as 1860 Cobb Parkway South. Variance to allow a nonconforming sign to remain on a parcel in which there will be a renovation of the primary structure exceeding 50% of its replacement cost. Ward 1.

*Denied*

20090660

**V2009-15 Gabriel's Desserts/Candler Development 800 Whitlock Ave, Suite 135**

The tree shall be located elsewhere on the property. Additionally, the entire site shall remain subject to the Tree Ordinance.

*Approved and Finalized*

*Motion to approve this matter with the following stipulations: The tree shall be located elsewhere on the property. Additionally, the entire site shall remain subject to the Tree Ordinance.*

**20090724      317 N. Fairground Street**

Motion to authorize the acquisition of property owned by Ms. Jessie Edward Wheatcroft on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved and Finalized*

**20090725      690 Powder Springs Road**

Motion to authorize the acquisition of property owned by RS of Georgia on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

*Approved and Finalized*

**20090709      BLW Actions of July 6, 2009**

Review and approval of the July 6, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

*Approved and Finalized*